Exemption No. 8273

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, DC 20591

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In the matter of the petition of	*	
PACIFIC COAST AIR MUSEUM FLIGHT FOUNDATION	*	Regulatory Docket No. FAA-2003-15584
for an exemption from §§ 91.315, 91.319(a), 119.5(g), and 119.21(a) of Title 14, Code of Federal Regulations	*	

* *

PARTIAL GRANT OF EXEMPTION

By letter filed July 7, 2003, Ms. Lynn Hunt, Pacific Coast Air Museum Flight Foundation, (PCAMFF), 2232 Airport Boulevard, Santa Rosa, California 95403, petitioned the Federal Aviation Administration (FAA) on behalf of PCAM for an exemption from §§ 91.315, 91.319(a), 119.5(g), and 119.21(a) of Title 14, Code of Federal Regulations (14 CFR). The proposed exemption, if granted, would permit PCAMFF to carry passengers for compensation or hire at airshows and other aviation events. Such authorization would allow PCAMFF to continue to afford the promotion, preservation, crew operating experience, and maintenance of its aircraft for education and historical purposes. The petitioner lists the following aircraft to be covered by its exemption:

BAC Strikemaster 167	Experimental-Exhibition
Douglas A-26 Invader	no certification
Grumman HU-16C Albatross	Experimental-Exhibition
Ilyushin IL-14	no certification
North American B-25 Mitchell	Limited

AFS-03-513

North American P-51 Mustang Limited

North American T-28 Trojan no certification

The petitioner requests relief from the following regulations:

Section 91.315 prescribes that no person may operate a limited category civil aircraft carrying persons or property for compensation or hire.

Section 91.319(a) prescribes that no person may operate an aircraft that has an experimental certificate for other than the purpose for which the certificate was issued; or carrying persons or property for compensation or hire.

Section 119.5(g) prescribes, in pertinent part, that no person may operate as a direct air carrier or as a commercial operator without, or in violation of, an appropriate certificate and appropriate operations specifications.

Section 119.21(a) prescribes, in pertinent part, that each person who conducts operations as a commercial operator engaged in intrastate common carriage of persons for compensation or hire in air commerce, or as a direct air carrier, shall comply with the certification and operations specifications requirements in subpart C of part 119. Subpart C of part 119 describes certification, operations specifications, and other requirements for operations conducted under 14 CFR part 121 or part 135.

The petitioner supports its request with the following information:

The petitioner states the PCAMFF is a fully incorporated nonprofit 501(c)(3) organization. The museum was founded in 1990 and dedicated to the acquisition, restoration, safe operation, and display of historic aircraft. Over the last 13 years, the museum has acquired over 20 aircraft representing the World War II (WWI) era to the current day military aircraft. All of these aircraft are beautifully restored and on display in Santa Rosa. Each year the museum hosts thousands of visitors who come to enjoy and learn what the museum has created.

In addition to many static display aircraft, the museum, along with a talented staff of volunteers, operates a group of airworthy historic aircraft. These aircraft perform annually at airshows and are on display regularly for the benefit of the general public. In order to accommodate the logistics involved with operating these aircraft and to address the issues of maintenance, pilot training, and ground support, the museum established a flight foundation. PCAMFF is responsible for all areas of aircraft operation.

Each year the museum is approached by literally hundreds of people inquiring if it is possible to pay for the opportunity to experience a ride in one of the operational aircraft. The petitioner states that it is unfortunate rides are not possible because of the way in which the aircraft are certificated.

The petitioner states that the logistics involved in maintaining these vintage aircraft in airworthy condition alone are staggering. Finding and retaining the services of properly trained maintenance personnel, locating needed parts and services, and finding, training and maintaining rated pilots adds tremendous complications as well as costs. The PCAMFF has undertaken the task of raising sufficient funds to accomplish these goals. Traditional fund-raising efforts have yielded results but have fallen short of the amounts necessary to meet the needs. Additional funding must be located in order to continue to operate the aircraft. A significant source of revenue currently available to other museums who have been granted an exemption from certain regulations is the ability to haul passengers for hire in aircraft whose certification would otherwise prevent it. This added revenue helps provide the support these aircraft require.

The petitioner notes that the activity requested would occur primarily at airshows during the summer months. Furthermore, the petitioner does not expect the number of flights to exceed 25 to 30 flights per year.

PCAMFF states that an exemption from the requested regulations will not adversely affect the ability to operate these aircraft safely. The museum already has in effect high standards for aircraft maintenance. Each aircraft is maintained in accordance with FAA requirements for the specific category of aircraft and according to its certification and individual maintenance program. In each case, these aircraft were designed to accommodate crewmembers or passengers. Each aircraft is equipped with appropriate seat/seatbelt installations. The manufacturer has addressed issues such as

emergency egress and fire and emergency procedures. Also, all emergency equipment and procedures are functional.

The petitioner states that the PCAMFF has reviewed similar kinds of exemptions granted by the FAA. PCAMFF has reviewed specifically the pilot requirements for pilot in command (PIC) and second in command (SIC), documentation requirements for all aspects of training, maintenance requirements and the corresponding documentation requirements and found them to be necessary to ensure adequate levels of safety. PCAMFF has also reviewed the requirements for conducting flight operations and have also found them to be necessary to maintain adequate levels of safety.

With regard to the Grumman Albatross, the petitioner would like to propose an alternative that would enable them to share with the public the historic significance of this aircraft. The petitioner states that the HU-16 Grumman Albatross served with distinction in the Navy, Air Force, U.S. Coast Guard, and with several foreign countries. It performed in the role of air/sea search and rescue and patrol while amassing an enviable record for safety and reliability. Therefore, the petitioner would like to include water operations that include a landing and takeoff in the Grumman Albatross. The petitioner states that Chalk's Airlines in Miami has operated the Albatross as an air carrier and currently operates Grumman Mallards in a similar role. Its safety record for water operations has been impeccable. Numerous Grumman Albatross aircraft are currently in service in the private sector and have also demonstrated an admirable safety record with respect to water operations. PCAMFF states it has been conducting water operations in the Albatross for over 15 years and has found the aircraft to have excellent performance in addition to a significant margin of safety. PCAMFF currently limits water operations to sheltered water and primarily designated seaplane training facilities. PCAMFF submits that the size of the landing area, absence of dependence on retractable landing gear, brakes, and aircraft steering, and the ability to virtually eliminate crosswind conditions, combined with the excellent performance of the Albatross hull, render water operations safer than land operations.

The petitioner also states that PCAMFF and its staff have been fortunate to assemble a highly experienced team of both pilots and maintenance personnel for the aircraft listed above. The PCAMFF maintains an unblemished safety record and enjoys a strong and productive relationship with the FAA. The PCAMFF staff is dedicated to achieving and maintaining this exemption.

> Additionally, the petitioner states that several of the aircraft included in this petition also served in the Canadian Armed Forces. It is highly probable that PCAMFF would arrange tours of Canada in order to provide a similar kind of historic experience. For this reason, the petitioner requests that its petition include operations outside the United States.

The FAA has determined that good cause exists for waiving the requirement for
Federal Register publication because the exemption, if granted, would not set a precedent, and any delay in acting on this petition would be detrimental to PCAMFF.

The FAA's analysis/summary is as follows:

> The FAA finds that aviation history can be represented in static displays in the same way historic landmarks may be represented in a museum or via live demonstration. The FAA has found a public interest in having certain former military aircraft continue to fly to further or maintain U.S. aviation history. However, the FAA finds it must balance that interest with the FAA's primary duty to support the public interest in setting the appropriate aviation safety standards, especially for aircraft operations involving paying passengers.

Therefore, the FAA recently re-examined the criteria it uses to determine whether or not to grant exemptions to the operators of vintage military aircraft to allow for the carriage of paying passengers. The policy applies to aircraft that have been issued a special airworthiness certificate, which are otherwise not eligible to be used for the carriage of persons or property for hire.

Specifically, the FAA evaluates whether (1) a flight in the same or similar aircraft can be performed in full compliance with FAA regulations; (2) there is an overriding public interest in having the aircraft continue to be flown and, therefore, a need to raise funds from a good source such as paying passengers; (3) measures can be taken to establish an appropriate level of safety for the flights involving paying passengers; and (4) FAA oversight of the operation would not drain scarce FAA inspector resources so as to compromise the public's interest in adequate FAA oversight of other aircraft operations.

The FAA must consider the public interest in preserving "flyable" U.S. aviation history through the use of passenger-paid rides against the public interest in ensuring an appropriate level of safety for those paying passengers. The FAA finds that the proper balance of these public interests will be met and an exemption issued only if the following conditions are met: The aircraft must be:

(1) A former, U.S. military, WWII or earlier vintage airplane;
(2) Be piston-powered;
(3) Either be designed as a crew-served airplane or multiple-seat airplane with more than one pilot seat, not altered in terms of seating configuration or capacity from its original design; or
(4) Be a replica of the vintage that is so unique as to warrant further consideration; and
(5) Have been manufactured on or before December 31, 1947.

Safety is the primary concern behind this decision to limit these exemptions to certain WWII vintage aircraft. WWII vintage aircraft are older, slower-moving aircraft. These features give the flightcrew time to take appropriate corrective actions in the event of an in-flight emergency and to avoid a serious incident. In contrast, jet aircraft move extremely fast, which reduces the margin of error in the event of an in-flight emergency. This circumstance increases the likelihood of the flightcrew and passengers suffering serious injuries or fatalities.

In permitting passenger flights in WWII vintage aircraft, FAA has required flight crewmembers to meet certain qualification and training requirements. These requirements include an FAA-approved training program, maintenance of training records, reporting procedures, and more stringent pilot qualifications. Persons not affiliated with the military may satisfy these training requirements because special training equipment, such as simulators and ejection seat trainers, is not required.

Under FAA Order 8130.2E, Airworthiness Certification of Aircraft and Related Products, aircraft that are issued a special airworthiness certificate in the experimental category for the purpose of exhibition are listed in one of four groups:

(1) group I, performance competition aircraft;
(2) group II, turbine-powered aircraft;
(3) group III, piston-powered: historic military, vintage, replica, and unique aircraft; or
(4) group IV, other aircraft.

PCAMFF's BAC-167 is a group II aircraft, the Ilyushin-14, when certificated, would be assigned to group IV as a cargo/passenger aircraft, and both were manufactured after December 31, 1947. Both the Grumman HU-16 Albatross and the North American T-28 Trojan were manufactured after December 31, 1947. In addition, the HU-16 can be certificated in the standard category as the G-111. Proponents of the North American T-28 are proposing to obtain standard airworthiness certification for the aircraft. None of the above manufactured aircraft is associated with WWII action.

Therefore, the FAA finds that none of the above mentioned aircraft meet the requirement as stipulated within FAA policy, and therefore, PCAMFF's request for an exemption for its BAC-167, IL-14, HU-16, P-51, and T-28 is denied.

While the FAA notes that it previously authorized the Commemorative Air Force, formerly the Confederate Air Force, and Planes of Fame Air Museum to operate a North American P–51 Mustang aircraft, a Chance Vought F4U Corsair aircraft, a Curtiss P–40 Warhawk aircraft, and a Lockheed P–38 Lightning aircraft for compensation under existing grants of exemption, these exemptions will not be renewed. These aircraft were originally designed and manufactured as aircraft for one occupant—the pilot. The FAA finds that because these aircraft were modified from the original manufacturers' design, they can no longer

provide the same flight experience as the original, single-seat design. These aircraft may have extensive modifications that may not provide an equivalent level of safety to that of the original design. The FAA notes that the seat modifications may be entirely acceptable for an owner and a passenger who may be an owner's family member or additional crewmember necessary for exhibition or display of the aircraft. However, the FAA finds that such modifications are not suitable for a paying passenger who is not familiar with the aircraft, its systems, and emergency or abnormal procedures requirements.

Consistent with its analysis in Commemorative Air Force, the FAA finds that PCAMFF's request for an exemption for its P–51, which was originally designed and manufactured as single-seat aircraft, even though modified by an FAA-approved process such as by supplemental type certificate, would not provide an equivalent level of safety and is denied.

However, in stating a desire to operate the North American B-25 Mitchell and Douglas A-26 Invader, the FAA finds that both of these aircraft meet the policy standards set forth above to permit PCAMFF to operate its B-25 and A-26 for the purpose of carrying passengers for compensation or hire on local flights for educational and historical purposes.

In consideration of the foregoing, I find that a partial grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 40113 and 44701, delegated to me by the Administrator, Pacific Coast Air Museum Flight Foundation is granted an exemption from 14 CFR §§ 91.315, 91.319(a), 119.5(g), and 119.21(a) to the extent necessary to allow PCAMFF to operate its North American B-25 Mitchell and Douglas A-26 Invader for the purpose of carrying passengers for compensation or hire, subject to the following conditions and limitations:

1. PCAMFF must maintain its B-25 and A-26 in accordance with the—

   a. Maintenance requirements as specified in its appropriate type specification data sheets, as amended;

   b. FAA-approved maintenance inspection programs that meet the requirements of § 91.409(f)(4) and (g); and

   c. Appropriate military technical manuals for each aircraft.

2. The PIC for the B-25 and A-26 must—

   a. Hold at least a commercial pilot certificate with an airplane multiengine land rating, an airplane instrument rating, and an appropriate type rating for the aircraft to be operated;

   b. Have completed within the previous 12 calendar months, PCAMFF's PIC qualification and recurrent flight and ground training program in the aircraft for which PIC privileges are sought;

   c. Have completed within the previous 12 calendar months, PCAMFF's PIC proficiency check in the aircraft for which PIC privileges are sought;

   d. Have at least a total of 2,500 hours of aeronautical flight experience, 1,000 hours of aeronautical flight experience in multiengine land airplanes, and 25 hours in the appropriate aircraft; or have at least a total of 1,000 hours of aeronautical flight experience, 200 hours of aeronautical flight experience in a multiengine land airplane, and 100 hours and 50 takeoffs and 50 landings in a the appropriate aircraft; and

   e. Have accomplished within the previous 90 days, three takeoffs and three landings to a full stop in either aircraft for which PIC privileges are sought.

3. The SIC for the B-25 or A-26 must —

   a. Hold at least a commercial pilot certificate with an airplane multiengine land rating and an airplane instrument rating;

   b. Have completed within the previous 12 calendar months, PCAMFF's SIC qualification and recurrent flight and ground training program in the appropriate aircraft for which SIC privileges are sought;

   c. Have completed within the previous 12 calendar months, PCAMFF's SIC proficiency check in the appropriate aircraft for which SIC privileges are sought;

   d. Have at least a total of 1,500 hours of aeronautical flight experience, 250 hours of aeronautical flight experience in a multiengine land airplane; or have at least a total of 500 hours of aeronautical flight experience, 100 hours of aeronautical flight

experience in a multiengine land airplane, and 25 hours and 10 takeoffs and 10 landings in the appropriate aircraft; and

e. Have accomplished within the previous 90 days, three takeoffs and three landings to a full stop in either aircraft for which SIC privileges are sought.

4. PCAMFF must develop and maintain a written B-25 and A-26 qualification and recurrent ground training program for its PICs and SICs in each aircraft that covers the training subjects listed below. Each PIC and SIC in each aircraft must receive the following training and iterations of training within the previous 12 calendar months prior to serving in a PIC or SIC position in each aircraft:

REQUIRED TRAINING TASKS	ITERATIONS
a. General information and description of the airplane;	1
b. Aircraft limitations;	1
c. Aircraft servicing;	1
d. Airspeeds;	1
e. Fuel system;	1
f. Electrical system;	1
g. Hydraulic system;	1
h. Engines;	1
i. Instruments and avionics;	1
j. Landing gear, brakes, controls, and flaps systems;	1
k. Propeller;	1
l. Emergency procedures, including—	1
(i) Instruction in emergency assignments and procedures, including coordination among crewmembers;	1
(ii) Individual instruction in the location, function, and operation of emergency equipment, including—	1
A. First aid equipment and its proper use; and	1
B. Portable fire extinguishers, with emphasis on the type of extinguisher to be used on different classes of fires;	1
(iii) Instruction in the handling of emergency situations, including—	1
A. Fire in flight or on the surface and smoke control procedures with emphasis on electrical equipment and related circuit breakers found in cabin areas; and	1
B. Illness, injury, or other abnormal situations involving passengers or crewmembers;	1
m. Weight and balance;	1
n. Performance planning; and	1

o. Airplane's checklist.	1

5. PCAMFF must develop and maintain a written B-25 and A-26 qualification and recurrent flight training program for its PICs in the appropriate aircraft that cover the areas of operations, tasks, and iterations as listed in the following table of training tasks. Each PIC must successfully accomplish this training before being assigned PIC responsibilities and duties. Each PIC must receive and successfully accomplish the following training and iterations of training within the previous 12 calendar months prior to serving in a PIC position for the appropriate aircraft:

REQUIRED TRAINING TASKS	ITERATIONS
a. Preflight Preparation	1
(i) Aircraft exam (oral or written)	1
(ii) Aircraft performance & limitations (oral or written)	1
b. Ground Operations	4
(i) Preflight inspection	4
(ii) Cockpit resource management	4
(iii) Powerplant start procedures	4
(iv) Taxiing	4
(v) Pre-takeoff checks	4
c. Takeoffs & Departures	3
(i) Normal & crosswind takeoffs	3 within the previous 90 days
(ii) Powerplant failure	3
(iii) Rejected takeoffs	3
d. Inflight Maneuvers	4
(i) Steep turns	4
(ii) Approach to stalls	4
(iii) Powerplant failure	4
(iv) Specific flight characteristics	4
e. Landings & Approaches to Landing	3
(i) Normal & crosswind approaches & landing	3 within the previous 90 days
(ii) Maneuvering to a landing with a simulated powerplant failure	3
(iii) Rejected landing	3
(iv) Landing from a no flap or a nonstandard flap approach	3
f. Normal & Abnormal Procedures	3
(i) Powerplant	3

(ii) Fuel system	3
(iii) Electrical system	3
(iv) Hydraulic system	3
(v) Environmental & pressurization system (as appropriate and if equipped)	3
(vi) Fire detection & extinguishing system	3
(vii) Navigation & avionics system	3
(viii) Automatic flight control system, electronic flight instrument system, & related systems (as appropriate and if equipped)	3
(ix) Flight Control System	3
(x) Anti-ice & de-ice System	3
(xi) Aircraft & personal emergency equipment	3
g. Emergency Procedures	2
(i) Inflight fire & smoke removal	2
(ii) Rapid decompression (as appropriate and if equipped with a pressurization system)	2
(iii) Emergency descent	2
(iv) Ditching	2
(v) Emergency Evacuation	2
h. Postflight Procedures	
(i) After landing procedures	4
(ii) Parking and securing aircraft	4

6. PCAMFF must develop and maintain a written B-25 and A-26 qualification and recurrent flight training program for its SICs in each aircraft that covers the areas of operations, tasks, and iterations as listed in the following table of training tasks. Each SIC in each aircraft must successfully accomplish this training before being assigned SIC responsibilities and duties. Each SIC must receive and successfully accomplish the following training and iterations of training within the previous 12 calendar months prior to serving in an SIC position in the appropriate aircraft:

REQUIRED TRAINING TASKS	ITERATIONS
a. Operational procedures applicable to the powerplant, equipment, and systems.	1
b. Performance specifications and limitations.	1
c. Normal, abnormal, and emergency operating procedures.	1
d. Three takeoffs and three landings to a full stop as the sole manipulator of the flight controls.	3 in the previous 90 days
e. Engine-out procedures and maneuvering with an engine out while executing the duties of PIC.	1
f. Crew resource management training.	1
g. Familiarization with the aircraft flight manual, placards, and markings.	1

7. Each PIC in the B-25 and A-26 must successfully accomplish a proficiency practical test upon completion of the initial qualification training program and upon completion of the recurrent training program (every 12 calendar months after completion of the initial and recurrent qualification training program). The proficiency practical test must cover the areas of operations and tasks listed below in the following "REQUIRED TESTING TASKS" table. Each PIC must be found competent and proficient by the Riverside Flight Standards District Office (WP FSDO No. 21) (or by a procedure that has been approved by the Riverside Flight Standards District Office) on those areas of operation and tasks before being assigned PIC duties and responsibilities in appropriate aircraft:

REQUIRED TESTING TASKS	ITERATIONS
a. Preflight Preparation	
(i) Aircraft exam (oral or written)	1
(ii) Aircraft performance & limitations (oral or written)	1
b. Ground Operations	
(i) Preflight inspection	1
(ii) Cockpit resource management	1
(iii) Powerplant start procedures	1
(iv) Taxiing	1
(v) Pre-takeoff checks	1
c. Takeoffs & Departures	
(i) Normal & crosswind takeoffs	1
(ii) Powerplant failure	1
(iii) Rejected takeoffs	1
d. Inflight Maneuvers	

(i) Steep turns	1
(ii) Approach to stalls	1
(iii) Powerplant failure	1
(iv) Specific flight characteristics	1
e. Landings & Approaches to Landing	
(i) Normal & crosswind approaches & landing	1
(ii) Maneuvering to a landing with a simulated powerplant failure	1
(iii) Rejected landing	1
(iv) Landing from a no flap or a nonstandard flap approach	1
f. Normal & Abnormal Procedures	
(i) Powerplant	1
(ii) Fuel system	1
(iii) Electrical system	1
(iv) Hydraulic system	1
(v) Environmental & pressurization system (as appropriate and if equipped)	1
(vi) Fire detection & extinguishing system	1
(vii) Navigation & avionics system	1
(viii) Automatic flight control system, electronic flight instrument system, & related systems (as appropriate and if equipped)	1
(ix) Flight Control System	1
(x) Anti-ice & de-ice System	1
(xi) Aircraft & personal emergency equipment	1
g. Emergency Procedures	
(i) Inflight fire & smoke removal	1
(ii) Rapid decompression (as appropriate and if equipped with a pressurization system)	1
(iii) Emergency descent	1
(iv) Ditching	1
(v) Emergency Evacuation	1
h. Postflight Procedures	
(i) After landing procedures	1
(ii) Parking and securing aircraft	1

8. Each SIC in the B-25 and A-26 must accomplish a proficiency practical test upon completion of the initial qualification training program and upon completion of the recurrent training program (every 12 calendar months after completion of the initial and recurrent qualification training program). The proficiency practical test must cover the areas of operations and tasks listed in the following "REQUIRED TESTING TASKS" table. Each SIC in the B-25 and A-26 must be found competent and

REQUIRED TESTING TASKS	ITERATIONS
a. Operational procedures applicable to the powerplant, equipment, and systems.	1
b. Performance specifications and limitations.	1
c. Normal, abnormal, and emergency operating procedures.	1
d. Three takeoffs and three landings to a full stop as the sole manipulator of the flight controls.	1
e. Engine-out procedures and maneuvering with an engine out while executing the duties of PIC.	1
f. Crew resource management training.	1
g. Familiarization with the aircraft flight manual, placards, and markings.	1

proficient by the Riverside Flight Standards District Office (WP FSDO No. 21) (or by a procedure that has been approved by the Riverside Flight Standards District Office) on those areas of operation and tasks before being assigned SIC duties and responsibilities in the B-25 and A-26 for PCAMFF:

9. PCAMFF must document and record all ground and flight training and/or testing required by this grant of exemption in a manner acceptable to the FAA's Riverside Flight Standards District Office (WP FSDO No. 21). That documentation and records must contain the following information:

a. Date of each training session.

b. Date of each testing session.

c. The amount of time of each session of ground and flight training given.

d. The amount of time of each session of ground and flight testing given.

e. Location where each session of ground and flight training was given.

f. Location where each session of ground and flight testing was given.

g. The airplane identification number in which each flight training session was received in.

h. The airplane identification number in which each flight testing session was received in.

i. The name and certificate number of the pilot who provided each session of training.

j. The name and certificate number of the pilot who provided each session of testing.

k. The signature and printed name of the pilot who received the training. That pilot's signature will serve as a verification of having received each session of training.

l. The signature and printed name of the pilot who received the training. That pilot's signature will serve as a verification of having received each session of testing.

10. When requested, the PCAMFF's pilot qualification and recurrent ground- and flight-training programs and/or records listed in condition Nos. 4, 5, 6, 7, 8, and 9 must be made available to the Riverside Flight Standards District Office (WP FSDO No. 21), 6961 Flight Road, Riverside, California 92504-1991, (909) 276-6701.

11. PCAMFF must have the services of an FAA-certificated airframe and powerplant mechanic or an appropriately rated repair station available at all stopovers to perform all required maintenance inspections and repairs.

12. PCAMFF will maintain the following information and records and will make those records available for review to the FAA when requested:

a. The name of each pilot crewmember PCAMFF authorizes to conduct flight operations in its airplanes under the terms of this exemption;

b. Copies of each PIC's and SIC's pilot certificate, medical certificate, qualifications, and initial and recurrent training and testing documentation to comply with condition Nos. 4, 5, 6, 7, 8, and 9; and

c. Records of maintenance performed and maintenance inspection records to comply with condition Nos. 1 and 2, as appropriate.

13. PCAMFF shall notify the Riverside Flight Standards District Office (WP FSDO No. 21) within 24 hours of any of the following occurrences by written report, by electronic mail, or by facsimile:

a. Each in-flight fire in any system or area that requires activation of any fire suppression system or discharge of a portable fire extinguisher.

b. Each exhaust system component failure including the turbocharger components that causes damage to any engine, structure, cowling, or components.

c. Each airplane component or system that causes, during flight, accumulation or circulation of noxious fumes, smoke, or vapor in any portion of the cabin or crew area.

d. Except for training, each occurrence of engine shutdown or propeller feathering, and the reason for such shutdown or feathering.

e. Each failure of the propeller governing systems or feathering systems.

f. Any landing gear system or component failures or malfunctions which require use of emergency or standby extension systems.

g. Each failure or malfunction of the wheel brake systems that causes loss of brake control on the ground.

h. Each airplane structure that requires major repair due to damage, deformation, or corrosion, and the method of repair.

i. Each failure or malfunction of the fuel system, tanks, pumps, or valves.

j. Each malfunction, failure, or defect in any system or component that requires taking emergency action of any type during the course of any flight.

k. For the purpose of this section, "during flight" means the period from the moment the airplane leaves the surface of the earth on takeoff until it touches down on landing.

14. Before permitting a person to be carried on board its airplane for the purposes authorized under this exemption, PCAMFF will inform that person that its airplanes hold only a limited or experimental airworthiness certificate; the significance of the airworthiness certificates as compared to a standard airworthiness certificate; and

that the FAA has authorized this flight under a grant of exemption from the requirements of §§ 91.315, 91.319, 119.5(g), and 119.21(a). The explanation of the significance of a limited airworthiness certificate, experimental airworthiness certificate compared to a standard airworthiness certificate must include at least the following information:

a. The FAA has not established nor has it approved limited category airworthiness certificated aircraft manufacturing standards. The FAA has not established nor has it approved experimental category airworthiness certificated aircraft manufacturing standards. In contrast, standard category airworthiness certificated aircraft are manufactured to FAA-approved standards, including standards addressing the design of the aircraft and life-limited parts.

b. Limited category airworthiness certificated aircraft are issued when the FAA finds the airplane—

(i) Has been previously issued a limited category type certificate and the aircraft conforms to that type certificate; and

(ii) To be in a good state of preservation and repair and is in a safe operating condition.

c. An aircraft may be issued an experimental airworthiness certificate when the—

(i) Applicant for an airworthiness certificate submits a statement that sets forth the purpose for which the aircraft is to be used;

(ii) The applicant for an airworthiness certificate submits enough data to identify the aircraft;

(iii) The applicant submits information found necessary to safeguard the public; and

(iv) For an aircraft certificated in the experimental category for the purpose of exhibition, operating limitations which permit the operation only for the purpose of exhibiting the aircraft's flight capabilities, performance, or unusual characteristics at airshows, motion picture, television, and similar productions, and the maintenance of exhibition flight proficiency, including flying to and from such airshows and productions.

d. Standard category airworthiness certificates are issued for an aircraft when the FAA finds the—

(i) Aircraft has been built and maintained in accordance with that aircraft's type certification standards as established by the FAA; and

(ii) Aircraft's inspection and maintenance requirements are in compliance with the applicable Federal Aviation Regulations.

15. All flight operations must be conducted—

a. At a minimum operating altitude of not less than 1,000 feet above ground level (AGL);

b. Between the hours of official sunrise and sunset, as established in the American Air Almanac, as converted to local time;

c. With a minimum flight visibility of not less than 5 statute miles;

d. With a minimum ceiling of not less than 2,000 feet AGL;

e. Within a 50-nautical-mile radius of the departure airport with landing only permitted at that departure airport; and

f. At an airport that has a fire station or fire-fighting services available or within close proximity of the airport.

16. No persons other than the assigned flight crewmembers may be permitted on the pilot station of the airplane during flight operations.

17. Except for essential crewmembers, all flight operations must carry no more than the maximum number of passengers permitted by the aircraft's weight and balance limitations and number of approved seats in the airplane.

18. PCAMFF's B-25 and A-26 must have the equipment listed in § 91.205(b) and that equipment must be in an operable condition during the flight.

19. If the airplane is to be operated overwater and beyond the power-off gliding distance from shore, PCAMFF's B-25 and A-26 must have the equipment listed in § 91.205(b)(12) and that equipment must be in an operable condition during the flight.

20. PCAMFF must hold and continue to hold a determination from the U.S. Internal Revenue Service that it is a § 501(c)(3) nonprofit, tax-exempt, charitable organization under §§ 509(a)(1) and 170(b)(1)(A)(vi) of the Internal Revenue Code.

21. PCAMFF must notify the Riverside Flight Standards District Office (WP FSDO No. 21) at least 5 working days (Mondays through Fridays) before conducting any PIC or SIC initial or recurrent qualification training and any PIC or SIC initial or recurrent proficiency checks required to be conducted under the terms of this grant of exemption.

22. No later than 72 hours prior to commencing flight operations under the terms of this grant of exemption, PCAMFF must notify the jurisdictional FAA Flight Standards District Office where it intends to conduct the flight operations and shall provide a copy of this exemption to that jurisdictional FAA Flight Standards District Office.

23. Failure to comply with any of the conditions and limitations of this grant of exemption will be grounds for the immediate suspension.

This exemption terminates on March 31, 2006, unless otherwise superseded or rescinded.

Issued in Washington, DC, on March 16, 2004

/s/
John M. Allen
Acting Director, Flight Standards Service